

1 PAUL HASTINGS LLP
2 CHRISTOPHER H. McGRATH (*admitted pro hac vice*)
3 chrismcgrath@paulhastings.com
4 695 Town Center Drive, 17th Floor
5 Costa Mesa, California 92626-1924
Telephone: (714) 668-6200
Facsimile: (714) 979-1921
Counsel for All Defendants

6 PISANELLI BICE PLLC
7 JORDAN T. SMITH (NV Bar. No. 12097)_
JTS@pisanellibice.com
8 400 South 7th Street, Suite 300
Las Vegas, Nevada 89101
Telephone: (702) 214-2100
Facsimile: (702) 214-2101

9 *Counsel for Defendant Spectrum Pharmaceuticals, Inc.*

10

11 **UNITED STATES DISTRICT COURT**
12 **DISTRICT OF NEVADA**

13 JOSE CHUNG LUO, Individually and on
14 Behalf of All Others Similarly Situated,

15 Plaintiffs,

16 v.

17 SPECTRUM PHARMACEUTICALS, INC.,
18 JOSEPH W. TURGEON, KURT A.
GUSTAFSON, FRANCOIS J. LEBEL, M.D.,
19 and THOMAS J. RIGA,

20 Defendants.

21 CASE NO.: 2:21-cv-01612-CDS-BNW

22

23 **STIPULATION AND ORDER**
REGARDING BRIEFING
SCHEDULE FOR DEFENDANTS'
ANTICIPATED MOTION TO
DISMISS THE AMENDED
CONSOLIDATED CLASS ACTION
COMPLAINT

24 Plaintiff International Trading Group, Inc. ("ITG" or "Plaintiff") and Defendants
25 Spectrum Pharmaceuticals, Inc., Joseph W. Turgeon, Kurt A. Gustafson, Francois J. Lebel, M.D.,
and Thomas J. Riga (collectively, "Defendants," and together with Plaintiff, the "Parties"), by and
through their undersigned counsel, hereby stipulate and agree as follows and jointly request that
the Court enter the below Order approving this Stipulation:

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STIPULATION AND [PROPOSED] ORDER

WHEREAS, on September 26, 2022, Lead Plaintiff ITG filed an Amended Consolidated Class Action Complaint ("ACAC") which differs substantially from the prior complaint. Among other differences, the ACCAC: (1) is brought by a new plaintiff, ITG; (2) is more than twice the length of the prior complaint; (3) has added allegations concerning a different drug candidate, Poziotinib; (4) posits a different class period than the prior complaint; and (5) has added a new individual defendant, Spectrum Chief Executive Officer Thomas J. Riga;

WHEREAS, Defendants have reviewed the ACCAC and intend to file a motion to dismiss it (the "MTD");

WHEREAS, the Parties have met and conferred and, subject to Court approval, agree that an extended briefing schedule is appropriate for the MTD given the new allegations in the ACCAC, the complexity of the anticipated briefing, and the upcoming holiday season. Specifically, the Parties agree to the following deadlines for the MTD briefing schedule:

By November 30, 2022, Defendants will file the MTD,

By January 27, 2023, Lead Plaintiff will file an opposition to the MTD, and

By February 27, 2023, Defendant will file a reply in support of the MTD;

WHEREAS, in her October 4, 2022 Minute Order, United States Magistrate Judge Brenda Weksler ordered that stipulations and proposed orders by the Parties concerning the response date to the ACCAC and related briefing of the MTD be bifurcated and submitted separately between Judge Weksler and the District Court, respectfully;

WHEREAS, pursuant to the Parties' agreement and Judge Weksler's October 4, 2022 Minute Order, on October 7, 2022, Defendants submitted a separate Stipulation and Proposed Order requesting that Defendants' deadline to file the MTD be set for November 30, 2022;

WHEREAS, on October 11, 2022, Judge Weksler adopted the proposed order and set the deadline for the MTD as November 30, 2022; and

WHEREAS, pursuant to Judge Weksler's October 4, 2022 Minute Order, the Parties request that the District Court adopt the other two deadlines included in their agreement.

1 NOW THEREFORE, IT IS HEREBY STIPULATED AND AGREED THAT:

- 2 1. Lead Plaintiff may file an opposition to the MTD on or before January 27, 2023;
3 and
4 2. Defendants may file a reply brief in further support of the MTD on or before
5 February 27, 2023.

6 Dated: October 14, 2022

7 **CAMPBELL & WILLIAMS**

8 /s/ J. Colby Williams
9 J. Colby Williams (NV Bar No. 5549)
10 710 South Seventh Street, Suite A
Las Vegas, Nevada 89101

11 *Local Counsel for Lead Plaintiff*

12 **ROBBINS GELLER RUDMAN
& DOWD LLP**

13 Ryan A. Llorens (admitted *pro hac vice*)
Jeffrey J. Stein (admitted *pro hac vice*)
John M. Kelley (admitted *pro hac vice*)
655 West Broadway, Suite 1900
San Diego, CA 92101

14 *Counsel for Lead Plaintiff
International Trading Group, Inc.*

15 **PISANELLI BICE PLLC**

16 /s/ Jordan T. Smith
Jordan T. Smith (NV Bar No. 12097)
400 South 7th Street, Suite 300
Las Vegas, Nevada 89101

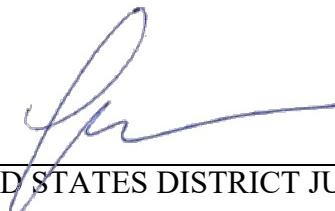
17 *Counsel for Defendant Spectrum
Pharmaceuticals, Inc.*

18 **PAUL HASTINGS LLP**

19 Christopher H. McGrath (admitted *pro hac vice*)
695 Town Center Drive, 17th Floor
Costa Mesa, CA 92626-1924

20 *Counsel for All Defendants*

21 IT IS SO ORDERED.

22 
UNITED STATES DISTRICT JUDGE

23 DATED: October 19, 2022

24 CASE NO.: 2:21-cv-01612-CDS-BNW

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STIPULATION AND [PROPOSED] ORDER